UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/740,744	12/19/2003	Lee G. Friedman	190250-1770	4919

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THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP/		TRAN, TUYETLIEN T
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ART UNIT	PAPER NUMBER
2179	

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SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/28/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	10/740,744	FRIEDMAN, LEE G.
	Examiner	Art Unit	
	TuyetLien (Lien) T. Tran	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 December 2003*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *19 December 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 08-06)   Office Action Summary   Part of Paper No./Mail Date 20070223

DETAILED ACTION

Claim Objections

Claim 1 is objected to because of the following informalities: abbreviation or acronym

"PC" is used in claim language. It is suggested that "A PC system" recited in line 1 of the claim

should be changed to "A personal computer (PC) system". Appropriate correction is required.

Claims 21-22 are objected to because of the following informalities: "an user-desired"

should be changed to "a user-desired". Appropriate correction is required.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

   Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
   matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
   conditions and requirements of this title.

2. Claims 11-19 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter.

With respect to claim 11, the "computer-readable medium," in accordance with

Applicant's specification, may be an electromagnetic or infrared signal. This subject matter is

not limited to that which falls within a statutory category of invention because it is not limited to a

process, machine, manufacture, or a composition of matter. Instead, it includes a form of

energy. Energy does not fall within a statutory category since it is clearly not a series of steps

or acts to constitute a process, not a mechanical device or combination of mechanical devices

to constitute a machine, not a tangible physical article or object which is some form of matter to

be a product and constitute a manufacture, and not a composition of two or more substances to

constitute a composition of matter. In addition, there is no recited step or module that actually

performs the execution of the "software wizard program" stored on a computer-readable medium.

With respect to claim 17, a "system" is being recited; however, the only element recited in the system is logic and it appears that the logic would reasonably be interpreted by one of ordinary skill in the art as software code. As such, the system is interpreted as software, per se.

Claims 12-16 and 18-19 fail to resolve the deficiencies of claims 11 and 17, and therefore are rejected as incorporating the deficiencies of the claims upon which it depends.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claims 1-2, 6-8, 11, 17-18, 20-21 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Fado et al (Patent No. US 6266571 B1; hereinafter Fado).

As to claim 1, Fado teaches:

A PC system (e.g., Fig. 48) comprising:

a plurality of substantially similar input devices coupled to a respective plurality of externally-accessible input ports of a PC (e.g., see Fig. 48 and col. 15 lines 30-38); and

a device discovery system that identifies a user-desired input device among the plurality of substantially similar input devices, wherein the identification is carried out by detecting a signal that is generated by the user-desired input device in response to a signal stimulus provided by a user (e.g., see Figs. 16-18 and col. 11 lines 12-33).

As to claim 8, Fado teaches:

A PC system (e.g., see Fig. 48) comprising:

an audio input device coupled to any one of a plurality of externally-accessible input ports of a PC (e.g., see Fig. 48 and col. 15 lines 30-38); and

a device discovery system that polls the plurality of input ports to discover a valid connectivity of the audio input device to the PC by detecting a signal that is generated by the audio input device in response to a user providing an audible stimulus to the audio input device (e.g., see Figs. 16-18 and col. 11 lines 12-33).

As to claim 11, Fado teaches:

A software wizard program stored on a computer-readable medium (e.g., see col. 15 lines 45-50), the program comprising:

logic configured to provide instructions to a user for selecting an audio input device from a plurality of substantially similar audio input devices (e.g., see Fig. 3 and col. 6 lines 30-47) that have been communicatively coupled to a first respective plurality of externally-accessible input ports of a PC (e.g., see Fig. 48 and col. 15 lines 30-38); and

logic configured to identify the user-selected audio input device by detecting a signal that is generated by the user-selected audio input in response to an audible stimulus that is provided by the user to the user-selected audio input device (e.g., see Figs. 16-18 and col. 11 lines 12-33).

As to claim 17, Fado teaches:

A PC system (e.g., see Fig. 48) comprising:

logic configured to discover a user-desired input device among a plurality of substantially similar input devices coupled to a respective plurality of externally-accessible input ports of a PC

(e.g., see Fig. 48 and col. 15 lines 30-38), wherein the discovery is carried out by detecting a signal that is generated by the user-desired input device in response to a signal stimulus provided by a user (e.g., see Figs. 16-18 and col. 11 lines 12-33).

As to claim 20, Fado teaches:

A method of discovering and configuring a user-desired input device among a plurality of substantially similar input devices coupled to a respective plurality of eternally-accessible input ports of a PC (e.g., see col. 1 lines 7-13 and Fig. 48, col. 15 lines 30-38), the method comprising:

launching a software wizard to provide instructions to a user (e.g., see Fig. 2);

instructing the user to provide a signal stimulus into the user-desired input device (e.g., see Figs. 16-17);

measuring a first signal amplitude that is generated by a first input device among the plurality of substantially similar input devices (e.g., see item 224 in Figs. 16-17);

measuring a second signal amplitude that is generated by the user-desired input device in response to the signal stimulus provided by the user (e.g., see Fig. 18 and col. 11 lines 12-23); and

processing the first and second signal amplitudes to identify the user-desired input device (e.g., col. 11 lines 23-33).

As to claim 23, Fado teaches:

A method of discovering and configuring a user-desired audio output device among a plurality of substantially similar output devices coupled to a respective plurality of externally-accessible output ports of a PC (e.g., see col. 1 lines 7-13 and Fig. 48, col. 15 lines 30-38), the method comprising:

launching a software wizard to provide instructions to a user (e.g., see Fig. 2);

instructing the user to select the user-desired audio output device from a dropdown list

of the software wizard showing device identification labels for each of the plurality of audio

output devices (e.g., see Fig. 3 and Fig. 4); and

instructing the user to operate a volume control icon of the software wizard to set a

desired volume of the user-desired audio output device (e.g., see Fig. 9); and

generating an audible test tone corresponding to the desired volume, from the user-

desired audio output device (e.g., see Fig. 9 and Figs. 34-38).

As to claims 2 and 18, Fado further teaches a device configuration system that

configures the user-desired input device to operate together with a software application program

on the PC (e.g., see Fig. 34 and col. 1 lines 29-36).

As to claim 6, Fado further teaches wherein the plurality of substantially similar input

devices comprises audio input devices (e.g., see col. 15 lines 30-38), and identifying the user-

desired input device comprises the device discovery system unmuting the user-desired input

device (e.g., see Fig. 8).

As to claim 7, Fado further teaches comprising an output device that is housed together

with the user-desired input device in a common enclosure (e.g., see Figs. 3-8).

As to claim 21, Fado further teaches wherein the user-desired input device is an user-

desired audio input device (e.g., see col. 15 lines 30-38), and the signal stimulus is an audible

signal that is coupled into the user-desired audio input device (e.g., see Fig. 18).

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 3-5, 9-10, 12-16, 19 and 22 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Fado in view of Matthew et al (ebook titled "Home Networking with

MICROSOFT WINDOWS XP: step by step"; hereinafter Matthew).

As to claim 3, Fado teaches the limitations of claim 2 for the same reasons as

discussed with respect to claim 2 above. Fado further teaches that the microphone and

speaker setup taught in Figs. 1-48 can be used for other application as well (e.g., see Fado col.

1 lines 29-36). However, Fado does not expressly teach that the software application permits a

user of one PC to communicate with a second user of a second PC

In the same field of endeavor of configuring input devices for use with an application

(e.g., see Matthew page 2 "using Windows Messenger with Voice and video"), Matthew teaches

a software application program is an audio-video communication program that permits the user

of the PC to communicate with a second user of a second PC (e.g., see page 5), via an audio-

video communication link (e.g., home network or Internet, see page 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was

made to have used the audio and video tuning wizard as taught by Matthew to the PC system

as taught by Fado to configure input devices that use with audio-video communication program

to permit a user from one computer to communicate with another user of a second user. The

motivation to combine Matthew's teaching with Fado's teaching is to allow voice and video

conversations that provides users with immersiveness because users are able to speak and see

others while online.

As to claims 4 and 19, Fado and Matthew teach the limitations of claims 3 and 18 for

the same reasons as discussed with respect to claims 3 and 18 above. Matthew further

teaches a video chat program (e.g., see page 5). Thus, combining Fado and Matthew would

meet the claimed limitation for the same reasons as discussed with respect to claim 3 above.

As to claim 5, Fado and Matthew teach the limitations of claim 3 for the same reasons

as discussed with respect to claim 3 above. Matthew further teaches a digital subscriber line

(e.g., see page 2 and page 5). Thus, combining Fado and Matthew would meet the claimed

limitation for the same reasons as discussed with respect to claim 3 above.

As to claim 9, Fado teaches the limitations of claim 8 for the same reasons as

discussed with respect to claim 8 above. Matthew further teaches comprising a video input

device coupled to any second one of a plurality of externally-accessible input ports of a PC

(e.g., video camera that is obviously connected to a computer, see page 2 and page 3); and

wherein the device discovery system polls the plurality of input ports to discover a valid

connectivity of the video input device to the PC by detecting a signal that is generated by the

video input device in response to a user providing a visual stimulus to the video input device

(e.g., see page 3). Thus, combining Fado and Matthew would meet the claimed limitation for

the same reasons as discussed with respect to claim 3 above.

As to claim 10, Fado and Matthew teach the limitations of claim 9 for the same reasons

as discussed with respect to claim 9 above. Fado further teaches the device discovery system

unmutes the audio input device to discover the valid connectivity of the audio input device to the PC (e.g., see Fig. 8).

As to claim 12, Fado teaches the limitations of claim 11 for the same reasons as discussed with respect to claim 11 above. Matthew further teaches comprising:

logic configured to provide instructions to a user for selecting a video input device from a plurality of substantially similar video input devices that have been communicatively coupled to a second respective plurality of externally-accessible input ports of the PC (e.g., steps 3 and 4 in page 3; note that it is obvious that camera(s) is/are connected to input ports of a PC);

logic configured to provide a dropdown list showing device identification labels for each of the plurality of video input devices (e.g., step 4 in page 3); and

logic configured to provide instructions to the user in selecting a video input device from the dropdown list (e.g., step 4 in page 3). Thus, combining Fado and Matthew would meet the claimed limitation for the same reasons as discussed with respect to claim 3 above.

As to claim 13, Fado and Matthew teach the limitations of claim 12 for the same reasons as discussed with respect to claim 12 above. Matthew further teaches comprising:
logic configured to identify the user-selected video input device by detecting a signal that is generated by the user-selected video input in response to a visual stimulus signal that is provided by the user to the user-selected video input device (e.g., see page 3). Thus, combining Fado and Matthew would meet the claimed limitation for the same reasons as discussed with respect to claim 3 above.

As to claim 14, Fado and Matthew teach the limitations of claim 13 for the same reasons as discussed with respect to claim 13 above. Fado further teaches comprising:

logic configured to provide instructions to the user for selecting an audio output device

from a plurality of audio output devices (e.g., see Fado Fig. 3 and col. 6 lines 30-47) that have

been communicatively coupled to a first respective plurality of externally-accessible output ports

of a PC (e.g., see Fado Fig. 48 and col. 15 lines 30-38);

logic configured to provide a dropdown list showing device identification labels for each

of the plurality of audio output devices (e.g., see Fado Fig. 3 and Fig. 4);

logic configured to provide instructions to the user in selecting the audio output device

from the dropdown list (e.g., see Fado Fig. 4); and

logic configured to generate an audible test tone from the selected audio output device

(e.g., see Fado Fig. 9).

As to claim 15, Fado and Matthew teach the limitations of claim 14 for the same

reasons as discussed with respect to claim 14 above. Fado further teaches comprising:

logic configured to provide a volume control icon (e.g., see Fig. 9);

logic configured to provide instructions to the user to operate the volume control icon to

set a desired volume of the selected audio output device (e.g., see Fig. 9 and Figs. 34-38); and

logic configured to generate an audible test tone corresponding to the desired volume,

from the selected audio output device (e.g., see Fig. 9 and Figs. 34-38).

As to claim 16, Fado and Matthew teach the limitations of claim 12 for the same

reasons as discussed with respect to claim 12 above. Fado further teaches wherein the first

and second respective plurality of externally-accessible input ports are respectively common

ports (e.g., see Fado Fig. 47).

As to claim 22, Fado teaches the limitations of claim 20 for the same reasons as

discussed with respect to claim 20 above. Matthew further teaches wherein the user-desired

input device is an user-desired video input device (e.g., see page 2 and page 3) and the signal

stimulus is a visual signal that is coupled into the user-desired audio input device (see page 3

and page 4). Thus, combining Fado and Matthew would meet the claimed limitation for the

same reasons as discussed with respect to claim 3 above.

Conclusion

The prior art made of record on form PTO-892 and not relied upon is considered

pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider

these references fully when responding to this action.

Examiner's note: Examiner has cited particular columns, line numbers, and figures in

the references as applied to the claims above for the convenience of the applicant. Although

the specified citations are representative of the teaching of the art and are applied to the specific

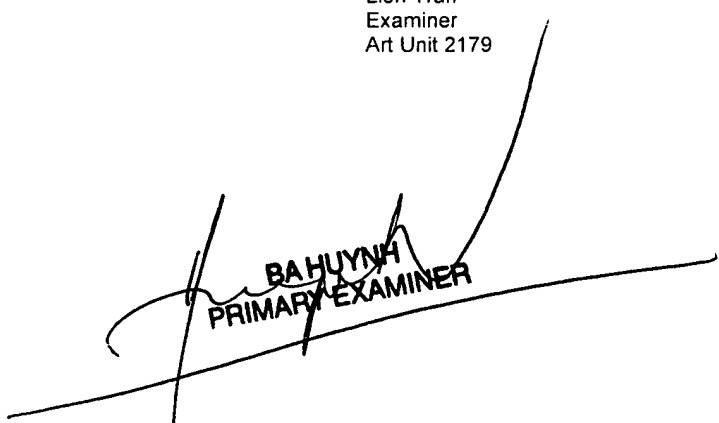limitations within the individual claim, other passages and figures may apply as well.

Any inquiry concerning this communication or earlier communications from the examiner

should be directed to TuyetLien (Lien) T. Tran whose telephone number is 571-270-1033. The

examiner can normally be reached on Mon-Friday: 7:30 - 5:00, off on alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you

would like assistance from a USPTO Customer Service Representative or access to the

automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

T.T   Lien Tran
2/23/2007   Examiner
                                                Art Unit 2179

BA HUYNH
PRIMARY EXAMINER